

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JOSEPH PITMAN,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

8:10-cv-00414-FG3

ORDER

This matter is before the magistrate judge pursuant to 28 U.S.C. § 636 and the consent of the parties. On February 2, 2011, the case was referred to the U.S. Bankruptcy Court for the District of Nebraska pursuant to 28 U.S.C. § 157 and NEGenR 1.5(a). The Bankruptcy Court subsequently recommended that the reference be withdrawn (Doc. 10) and gave the Chapter 7 Trustee until March 10, 2011 to either intervene or abandon the claim. On February 18, 2011, the Chapter 7 Trustee filed a "Notice of Specific Abandonment of Joseph Pitman's Claim Against Wal-Mart Stores, Inc," which is the subject of this lawsuit. *See* Doc. 31. The parties now advise that they have settled this dispute.

IT IS ORDERED:

1. The Report and Recommendation of the United States Bankruptcy Court (Doc. 30) is adopted, and the reference of this case to the Bankruptcy Court is hereby withdrawn.
2. The parties' Joint Stipulation of Dismissal (Doc. 32) is approved. This action is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). The parties shall each bear their own costs and attorneys' fees.

DATED February 24, 2011.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**